

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 MALINKA MOYE,

9 Plaintiff,

No. C 08-2051 PJH

10 v.

11 VINCE E. COLLINS, et al.,

**ORDER DENYING MOTION TO
RELATE CASE NO. C-08-2051 PJH
AND CASE NO. C-08-2053 WHA**12 Defendants.
13 /

Plaintiff Malinka Moye filed the above-entitled action, Case No. C-08-2051 PJH, on April 21, 2008, against 15 defendants – identified in the caption as Vince Edward Collins, Derrick Collins, Jay Paul LaPlnate, Elisa Stewart, Bonnie Parkler, Alana Parker, La Donna Rewa Duncan, Judith Wesley, Linda Brwer Stockdale, Deborah Jane Hughes, Kimberley Miller, Red Oak Realty, Lydia Baca, Ratana Jiraittewanna, and Mesha Johnson.

Also on April 21, 2008, plaintiff filed five additional actions, one against defendant La Donna Rewa Duncan (C-08-2053 WHA); one against defendant Nate Thurmond (C-08-2054 JL); one against defendant Jack Chew (C-08-2055 MEJ); one against defendant Ratana Jiraittewanna (C-08-2056 PJH); and one against defendant Myraid Ventures, Inc., dba Bay Car Stereo (C-08-2057 VRW).

On April 24, 2008, plaintiff filed three additional actions, one against defendant Linda Brewer Stockdale (C-08-2125 WHA); one against defendant Lydia Baca (C-08-2124 SBA); and one against defendants City and County of San Francisco and Auto Return (C-08-2126 SBA).

None of the above eight actions, or the present action, states any facts in support of any of the claims. In each of the nine actions, plaintiff filed a request for leave to proceed

1 in forma pauperis. The two cases assigned to the undersigned have been dismissed (with
2 leave to amend) pursuant to 28 U.S.C. § 1915 for failure to state a claim. Some of the
3 other cases have been similarly dismissed.

4 In each action, with the exception of C-08-2124 SBA, plaintiff also filed an
5 administrative motion to consider whether cases should be related pursuant to Civil Local
6 Rule 7-11. In each instance, the cases that plaintiff identifies as "related" are cases filed by
7 plaintiff in the Superior Court of California, County of San Francisco.

8 The e-filing docket of the San Francisco Superior Court lists plaintiff as a party in
9 approximately 80 actions of various types, filed beginning in March 2002. Most of these
10 actions were filed by plaintiff, and many of the defendants have the same names as the
11 defendants in the actions recently filed in this court. On August 11, 2006, in one of these
12 actions, Malinka Moye v. Lydia Baca, Case No. CGC-06-450461, plaintiff was declared a
13 vexatious litigant pursuant to California Code of Civil Procedure §§ 391.1, 391.3, and
14 391.7(a), and ordered not to file any new litigation in any California state court without first
15 obtaining leave of court.

16 On April 30, 2008, pursuant to plaintiff's administrative motion in C-08-2053 WHA to
17 consider whether cases should be related, the undersigned judge, as the judge assigned
18 the lowest-numbered of the nine cases filed by plaintiff in this court, received a request to
19 determine whether the present action (C-08-2051 PJH) is related to C-08-2053 WHA.
20 Because neither action states any facts in support of the claims, the court is unable to
21 determine whether they are related – and will for the same reason be unable to determine
22 whether the present action is related to any of the other seven actions filed to date.
23

24 **IT IS SO ORDERED.**

25 Dated: May 1, 2008



26 PHYLLIS J. HAMILTON
27 United States District Judge
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